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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/870,538

05/30/2001

James K. Prueitt

\*\*BA-0330

1320

23377 7590 06/26/2009

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EXAMINER

BRUCKART, BENJAMIN R

ART UNIT

PAPER NUMBER

2446

MAIL DATE

DELIVERY MODE

06/26/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 09/870,538	<b>Applicant(s)</b> PRUEITT ET AL.	
	<b>Examiner</b> BENJAMIN R. BRUCKART	<b>Art Unit</b> 2446	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 17 April 2009.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 40-62 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 40-62 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 May 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>4/17/09, 11/13/08, and 7/23/08</u> .                          | 6) <input type="checkbox"/> Other: _____                          |

### **Detailed Action**

Claims 40-62 are pending in this Office Action.

Claims 40-62 are new

Claims 1-39 are cancelled.

The applicant is directed to the new examiner of record on the case, see correspondence information below.

This office action is in response to the request for reconsideration filed after the board of appeals affirmed the obvious rejection on claims 1-39.

### **Information Disclosure Statement**

The information disclosure statements filed on 4/17/09, 11/13/08, and 7/23/08 have been considered.

### **Formal Drawings**

The formal drawings received on 5/30/01 have been entered.

### **Specification**

The disclosure is objected to because it contains an embedded hyperlink and/or other form of browser-executable code. Applicant is required to delete the embedded hyperlink and/or other form of browser-executable code. See MPEP § 608.01. (Page 3, 1<sup>st</sup> and 2<sup>nd</sup> para; page 14-15, para following providing tickets for an event; page 16-17, para following obtaining a location based coupon )

### **Claim Rejections - 35 USC § 101**

35 U.S.C. 101 reads as follows:

Art Unit: 2446

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 56-62 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claims 56-62 are drawn to a computer readable medium comprising instructions for performing the steps of the invention. The medium itself is not limited to statutory subject matter. Per publication para 76, the specification defines the medium or media to include non-statutory subject matter such as carrier waves, signals and carrier waves. Because the medium is defined to non-statutory subject matter, the claim is rejection.

### **Claim Rejections - 35 USC § 103**

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 40-41, 43-45, 47; 48-49, 51-53, 55; 56-57, 59-62 are rejected under 35 U.S.C. 103(a) as being unpatentable over WO 01/03040 by Klear et al. in view of USPN 6,553,240 by Devarics in further view of USPN 7,092,119 by Hinds et al.**

Regarding claim 40,

the Klear reference teaches a method of generating a permanent record of a service provided to a user at a location of a device of the user (Klear: page 10, lines 28-33), the method comprising:

receiving a request for a permanent record of a service (Klear: page 10, lines 28-33) wherein the request for the permanent record are received from the device of the user (Klear: page 10, lines 28-33);

Art Unit: 2446

processing the received request for the permanent record, wherein the processing includes generating data for printout of the permanent record (Klear: page 10, lines 28-33; generating a response); and

transmitting the generated data to a print server (Klear: page 10, lines 28-33; POS server), and transmit the modified data for the printout to the device of the user (Klear: page 10, lines 28-33), wherein the mobile device is configured to communicate the modified data for the printout of the permanent record to the specific printer.

The Klear reference fails to teach the device is a mobile device and that the input data transmitted to the mobile device is rendered by the specific printer at the location of the mobile device.

However, in analogous art, the Devarics reference teaches a method to print information off of the Internet which allows input data transmitted to the mobile device (i.e. WAP device 100) to be rendered by a specific printer 120 at the location of the mobile device (it is understood that infrared 110 is a proximal method of communication between devices and that the printer must be at the location of the WAP device 100) (Figure 1; col. 7, lines 29-44).

It would be obvious to a person of ordinary skill in the art at the time the invention was made to combine the teaching of Devarics with Klear since Klear discloses the usage of purchasing movie tickets via a portable device stored on the portable device without needing a hard copy while the PC requires a printout copy of the bar code (p. 10, lines 19-32). This would lead one of ordinary skill in the art to search to combine these two methods eventually arriving at Devarics and its novel method of transferring WAP printing data to a wireless printer via an infrared link (Figure 1).

Klear in view of Devarics does not specifically disclose receiving information identifying a specific printer on which to print the permanent record, and the printing server including stored print data for optimizing the quality of prints printed on various specific printers.

However, in analogous art, the Hinds reference teaches:

information identifying a specific printer on which the permanent record is to be printed and wherein the request for the permanent record and the information identifying a specific printer are received from the device of the user (Hind: col. 4, lines 35-67; printer name; col. 8, lines 8-15);

Art Unit: 2446

wherein the print server is configured to modify the data for the printout based on the characteristics of the specific printer; wherein the modification of the data comprises utilizing an adaptive halftone method (Hind: col. 4, lines 35-67; printer name) in order to improve printing options available to users in printing to a selected printer (Hind: col. 10, lines 15-21).

It would have been obvious to one of ordinary skill in the art at the time of the invention to create the invention of modified Klear to include modifying of data for printers as taught by Hind in order to improve printing options available to users in printing to a selected printer (Hind: col. 10, lines 15-21).

Regarding claim 41, the method of claim 40, further comprising:

completing a transaction with a transaction server prior to transmitting the generated data to a print server (Klear: page 10, para 28-33; pays for and gets receipt is a completed transaction).

Regarding claim 43, the method of claim 40, further comprising:

transmitting a message to the mobile device after transmitting the generated data to a print server, wherein the message comprises a confirmation that the request for the permanent record has been filled (Klear: page 10, para 28-33).

Regarding claim 44, the method of claim 40, wherein the requested service is an event ticket (Klear: page 10, para 28-33).

Regarding claim 45, the method of claim 40, wherein the requested service is a coupon (Klear: page 10, para 28-33; the Office takes the term coupon as a tangible entity which can be exchanged for goods or services, as in the printed bar code).

Regarding claim 47, the method of claim 40, wherein the data for the printout of the permanent record comprises a digital image, wherein the digital image comprises a plurality of pixels, wherein each pixel is represented by an input value (Hind: col. 1, lines 14-27), and wherein the modification of the data for the printout of the permanent record comprises:

Art Unit: 2446

filtering the data to generate a filtered value for each pixel (Hind: col. 2, lines 1-6);  
obtaining the differenced between the filtered value of each pixel and the input value of each pixel (Hind: col. 1, lines 41-54; col. 2, lines 1-6);  
determining a threshold based on the obtained differences (Hind: col. 1, lines 57-67); and  
generating an output value for each pixel based on the threshold and the input value of each pixel (Hind: col. 2, lines 1-6; converted image based on converted pixels).

Claims 48-49, 51-53, 55; 56-57, 59-62 are rejected under the same rationale as given above.

**Claims 42, 46; 50, 54; 58 are rejected under 35 U.S.C. 103(a) as being unpatentable over WO 01/03040 by Klear et al. in view of USPN 6,553,240 by Devarics in further view of USPN 7,092,119 by Hinds et al in further view of USPN 6,725,051 by Fidler.**

Regarding claim 42, the modified Klear reference teaches the method of claim 40.

The Klear reference fails to teach receiving the location of the mobile device.

However, in analogous art, the Fidler reference teaches:

receiving data relating to the location of the mobile device, wherein the location of the mobile device is determined by the mobile device (col. 2, lines 3-14) in order to allow the mobile device the ability to reliably provide location information and services dependent on the location (Fidler: col. 2, lines 10-14, col. 3, lines 1-16).

It would be obvious to a person of ordinary skill in the art at the time the invention was made to combine the teaching of Fidler with modified Klear in order to allow the mobile device the ability to reliably provide location information and services dependent on the location (Fidler: col. 2, lines 10-14, col. 3, lines 1-16).

Regarding claim 46, the method of claim 42, wherein the requested service is a location-based service (Klear: abstract; movie theatre is a location based service).

Claims 50, 54 and 58 are rejected under the same rationale as given above.

**REMARKS**

Applicant has cancelled the claims affirmed by the board and produced new claims.

**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Benjamin R. Bruckart whose telephone number is (571) 272-3982. The examiner can normally be reached on 9:00-5:30PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeff Pwu can be reached on (571) 272-6798. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Benjamin R Bruckart  
Examiner  
Art Unit 2446

/Benjamin R Bruckart/  
Primary Examiner, Art Unit 2446